

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: **Monica Alvarez**Case No. **14-31540**

Debtor(s)

Chapter 13 Proceeding

☒ **AMENDED**    ☐ **MODIFIED**

**DEBTOR(S)' CHAPTER 13 PLAN**

**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at [www.txwb.uscourts.gov](http://www.txwb.uscourts.gov).*

*Use of the singular word "Debtor" in this Plan includes the plural where appropriate.*

**Plan Summary**

- A. The Debtor's Plan Payment will be Variable Payments, paid by ☒ Pay Order or ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$73,955.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 8% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$60.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

**Plan Provisions**

**I. Vesting of Estate Property**

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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*Continuation Sheet # 1*

**II. Pre-Confirmation Disbursements**

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
Wfs Financial/Wachovia Dealer Srvs 2012 Hyndai Elantra	\$90.00	

**III. Executory Contracts/Unexpired Leases/Contracts for Deed**

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

**IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506**

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks

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Continuation Sheet # 2

*"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on \_\_\_\_\_."*

Debtor

Joint Debtor

**V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)**

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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**VI. Specific Treatment for Payment of Allowed Claims****1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS**

**A.** Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Wells Fargo Hm Mortgag 416 Bahia Kino Way	Direct Pay by debtor	\$30,600.25	\$674.00

**B.** Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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*Continuation Sheet # 3*

**2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS**

**A. Administrative Expenses**

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Watson Law Firm, P.C.	\$3,200.00	Along With	

**B. Priority Claims, Including Domestic Support Obligation Arrearage Claims**

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks

**C. Arrearage Claims**

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
Wells Fargo Hm Mortgage 416 Bahia Kino Way	\$3,820.70	\$33,860.75	Pro-Rata	9%	\$4,790.05	For arrearage

**D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed**

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks

**E. Secured Creditors**

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Capital One Auto Finance 2012 Ford Focus	\$17,674.41	\$16,500.00	Pro-Rata	5.25%	\$20,132.37	Pay claim amount
Conns Credit Corp Furniture	\$6,411.00	\$10,000.00	Pro-Rata	5.25%	\$7,302.58	

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*Continuation Sheet # 4*

El Paso Tax Assessor-Collector 416 Bahia Kino Way	\$1,407.46	\$30,040.05	Pro-Rata	12%	\$1,908.48	Thru 2014 taxes
Nissan Motor Acceptanc 2010 Nissan Sentra	\$7,799.74	\$9,000.00	Pro-Rata	5.25%	\$8,884.45	
Wfs Financial/Wachovia Dealer Srvs 2012 Hyndai Elantra	\$16,771.05	\$16,771.05	Pro-Rata	5.25%	\$19,103.38	

**F. General Unsecured Creditors** (including claims from rejection of contracts, leases and contracts for deed).  
*Describe treatment for the class of general unsecured creditors.*

General Unsecured Creditors will receive approximately 8% of their allowed claims.

<b>Creditor</b>	<b>Estimated Debt</b>	<b>Remarks</b>
Bank Of America	\$0.00	
Barclays Bank Delaware	\$1,911.00	
Cap1/rmstr	\$480.00	
Capital 1 Bank	\$532.00	
Ccs/bryant State Bank	\$691.00	
Citibank Sd, Na	\$0.00	
Citifinancial	\$0.00	
Credit One Bank	\$958.00	
First Premier Bank	\$531.00	
Firstlight Federal Cu	\$0.00	
Fsb Blaze	\$409.00	
GEARB/Gap	\$0.00	
GEARB/JC Penny	\$0.00	
Gemb/walmart	\$1,078.00	
Ginnys		
Household Furniture	\$0.00	
Merrick Bk	\$1,387.00	
Midland Credit Mgmt In	\$0.00	
Regional Finance Company	\$2,688.00	
Rise	\$628.00	
Sams Club / GEMB	\$1,238.00	
Springleaf Financial S	\$0.00	
Syncb/carcare One	\$245.00	
Syncb/indepndnt Furn R	\$0.00	
Webbank/fingerhut	\$1,094.00	
Wf Fin Bank	\$1,699.00	

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*Continuation Sheet # 5*

**Totals:**

Administrative Claims	<u>\$3,200.00</u>
Priority Claims	<u>\$0.00</u>
Arrearage Claims	<u>\$3,820.70</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$50,063.66</u>
Unsecured Claims	<u>\$15,569.00</u>

**VII. Supplemental Plan Provisions**

The following are the Supplemental Plan Provisions:

**Agreed Orders**

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

**Disposable Earnings**

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

**Authorization to send monthly bills**

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

**Certain Pre-Confirmation Disbursements**

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

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*Continuation Sheet # 6*

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**Misfiled and Unfiled Creditors Paid Accordingly**

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 5.5% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

**Pay Order**

Pay order to start immediately with amounts shown on month #2 of plan

**2012 Hyundai Elantra**

Set and Equal Payments starting month four shall be provided

Respectfully submitted this date: 12/4/2014.

**/s/ W. Matt Watson**

W. Matt Watson  
1123 E. Rio Grande  
El Paso, Texas 79902  
Phone: (915) 562-4357 / Fax: (866) 201-0967  
(Attorney for Debtor)

**/s/ Monica Alvarez**

Monica Alvarez  
416 Bahia Kino Way  
El Paso, TX 79915  
(Debtor)

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**EXHIBIT "B" - VARIABLE PLAN PAYMENTS**

**PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)**

<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>
1	\$100.00	21	\$1,255.00	41	\$1,255.00
2	\$1,160.00	22	\$1,255.00	42	\$1,255.00
3	\$1,160.00	23	\$1,255.00	43	\$1,255.00
4	\$1,255.00	24	\$1,255.00	44	\$1,255.00
5	\$1,255.00	25	\$1,255.00	45	\$1,255.00
6	\$1,255.00	26	\$1,255.00	46	\$1,255.00
7	\$1,255.00	27	\$1,255.00	47	\$1,255.00
8	\$1,255.00	28	\$1,255.00	48	\$1,255.00
9	\$1,255.00	29	\$1,255.00	49	\$1,255.00
10	\$1,255.00	30	\$1,255.00	50	\$1,255.00
11	\$1,255.00	31	\$1,255.00	51	\$1,255.00
12	\$1,255.00	32	\$1,255.00	52	\$1,255.00
13	\$1,255.00	33	\$1,255.00	53	\$1,255.00
14	\$1,255.00	34	\$1,255.00	54	\$1,255.00
15	\$1,255.00	35	\$1,255.00	55	\$1,255.00
16	\$1,255.00	36	\$1,255.00	56	\$1,255.00
17	\$1,255.00	37	\$1,255.00	57	\$1,255.00
18	\$1,255.00	38	\$1,255.00	58	\$1,255.00
19	\$1,255.00	39	\$1,255.00	59	\$1,255.00
20	\$1,255.00	40	\$1,255.00	60	\$1,255.00



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CHAPTER **13**

**Certificate of Service**

I hereby certify that as of the date of filing the attached document, I have mailed/delivered a true and correct copy thereof to each party listed herein as well as all parties listed as receiving electronic mail notices as well as the Chapter 13 Trustee and U.S. Trustee .

Date: **12/4/2014**

**/s/ W. Matt Watson**

**W. Matt Watson**

Attorney for the Debtor(s)

Bank Of America  
4888603120811252  
Attention: Recovery Department  
4161 Piedmont Pkwy.  
Greensboro, NC 27410

Citibank Sd, Na  
5424180622733738  
Attn: Centralized Bankruptcy  
PO Box 20363  
Kansas City, MO 64195

Firstlight Federal Cu  
95418797000  
Attn: Collections  
PO Box 25901  
El Paso, TX 79914

Barclays Bank Delaware  
000171461485062  
Attn: Bankruptcy  
P.O. Box 8801  
Wilmington, DE 19899

Citifinancial  
6074377427170340  
500 N Zaragoza Rd Ste P  
El Paso, TX 79907

Fsb Blaze  
5182130005317122  
5501 S Broadband Ln  
Sioux Falls, SD 57108

Cap1/rmstr  
7011131103122623  
Po Box 15524  
Wilmington, DE 19850

Conns Credit Corp  
429885130  
Box 2358  
Beaumont, TX 77704

GEGRB/Gap  
5218531008528680  
Attn: Bankruptcy  
PO Box 103104  
Roswell, GA 30076

Capital 1 Bank  
5178058940194270  
Attn: General Correspondence  
PO Box 30285  
Salt Lake City, UT 84130

Credit One Bank  
4447962194435164  
PO Box 98873  
Las Vegas, NV 89193

GEGRB/JC Penny  
6008894776269625  
Attention: Bankruptcy  
PO Box 103104  
Roswell, GA 30076

Capital One Auto Finance  
62062167115981001  
3905 N Dallas Pkwy  
Plano, TX 75093

El Paso Tax Assessor-Collector  
221 North Kansas Suite 300  
El Paso, Texas 79901

Gemb/walmart  
6032201470060305  
Attn: Bankruptcy  
PO Box 103104  
Roswell, GA 30076

Ccs/bryant State Bank  
5210440007060687  
500 E 60th St N  
Sioux Falls, SD 57104

First Premier Bank  
5177607451080004  
601 S Minnesota Ave  
Sioux Falls, SD 57104

Ginnys  
P O Box 2825  
Monroe, WI 53566

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**Certificate of Service**

(Continuation Sheet #1)

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Household Furniture  
76392  
7601 N Loop Dr  
El Paso, TX 79915

Sams Club / GEMB  
7714100329086961  
Attention: Bankruptcy Department  
PO box 103104  
Roswell, GA 30076

Wells Fargo Hm Mortgag  
3476 Stateview Blvd  
Fort Mill, SC 29715

Merrick Bk  
4120614069101736  
Attn: Bankruptcy  
P.O. Box 9201  
Old Bethpage, NY 11804

Springleaf Financial S  
1062335054917872  
1506 N Lee Trevino Dr St  
El Paso, TX 79936

Wf Fin Bank  
4071100033853908  
Attention: Bankruptcy  
PO Box 10438  
Des Moines, IA 50306

Midland Credit Mgmt In  
8532965040  
8875 Aero Dr  
San Diego, CA 92123

Stuart C. Cox, Trustee  
1760 North Lee Trevino  
El Paso, TX 79936

Wfs Financial/Wachovia Dealer Srvs  
519070100486  
PO Box 3569  
Rancho Cucamonga, CA 91729

Monica Alvarez  
416 Bahia Kino Way  
El Paso, TX 79915

Syncb/carcare One  
6019180242523500  
Po Box 981439  
El Paso, TX 79998

Nissan Motor Acceptanc  
102409907840001  
Po Box 660360  
Dallas, TX 75266

Syncb/indepndnt Furn R  
6034612018082627  
950 Forrer Blvd  
Kettering, OH 45420

Regional Finance Company  
54700576801  
9861 Dyer Street Suite 4  
El Paso, TX 79924

Webbank/fingerhut  
6369921003516472  
6250 Ridgewood Roa  
Saint Cloud, MN 56303

Rise  
62086614  
4150 International  
Fort Worth, TX 76109

Wells Fargo Hm Mortgag  
7080417380441  
3476 Stateview Blvd  
Fort Mill, SC 29715